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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 LARRY DARNELL GIVENS,

9 Petitioner,

10 v.

11 STATE OF WASHINGTON,

12 Respondent.

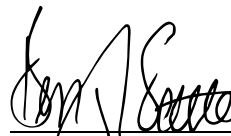
Case No. C09-5219BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

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14 This matter comes before the Court on the Report and Recommendation of the
15 Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 5). The Court having
16 considered the Report and Recommendation, Plaintiff's failure to file objections, and the
17 remaining record, does hereby find and order:

- 18 (1) The Court adopts the Report and Recommendation; and
19 (2) Petitioner's Motion to Proceed *In Forma Pauperis* is **DENIED**. Petitioner
20 shall pay the filing fee of \$5.00 within thirty days from service of this order or
21 the petition will be **DISMISSED**.

22 DATED this 22nd day of June, 2009.

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25 BENJAMIN H. SETTLE
26 United States District Judge
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ORDER